



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 26 2008

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry Goodwin
Lakeside Scrap Metals, Inc.
8202 Broadway Avenue
Cleveland, Ohio 44105

Dear Mr. Goodwin:

This is to advise you that the U.S. Environmental Protection Agency has determined that Lakeside Scrap Metals, Inc.'s facility at 8202 Broadway Avenue, Cleveland, Ohio (Lakeside or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and ~~emissions reductions of~~ ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, ~~room air~~ conditioner, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to:

- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously. These verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained, that all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).
- 3) In addition, the signed statements obtained must be maintained on-site by the entities that dispose of appliances for a minimum of three years.

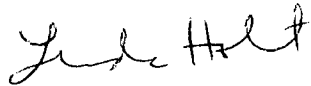
EPA finds that the Lakeside facility has violated the above listed regulations from 40 C.F.R. Part 82, Subpart F.

Section 113 of the CAA, 42 U.S.C. §7413, gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Jamie Iatropulos. You may call her at (312) 886-6024 if you wish to request a conference. EPA hopes that this FOV will encourage Lakeside's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure:

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, Supervisor
Northeast District Office
Ohio Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Lakeside Scrap Metals, Inc.)	FINDING OF VIOLATION
Cleveland, Ohio)	
)	
Proceedings Pursuant to)	EPA-5-08-OH-17
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Lakeside Scrap Metals, Inc. (you or Lakeside) owns and operates a scrap recycling facility at 8202 Broadway Avenue, Cleveland, Ohio (the facility).

The U.S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F and the Clean Air Act (CAA).

Explanation of Violations

1. Lakeside, as the final disposer of appliances, is subject to the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of certain refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with Section 608 of the CAA. Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioner, motor vehicle air conditioner (MVAC), or MVAC-like appliance:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or

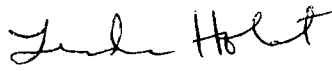
shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During EPA's April 8, 2008, inspection, Lakeside stated that it receives at least one refrigerant-containing appliance per day.
3. At the time of inspection, Lakeside stated that it does not recover refrigerant from appliances that are brought to the facility.
4. After reviewing Lakeside's response to an information request EPA issued pursuant to Section 114 of the CAA, EPA has determined that Lakeside does not consistently require complete verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to Lakeside.

Environmental Impact of Violations

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

6/26/08
Date


Cheryl L. Newton,
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-08-OH-17, by Certified Mail, Return Receipt Requested, to:

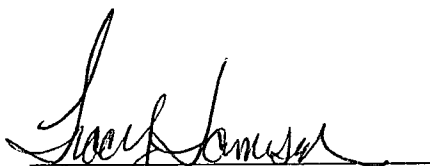
Larry Goodwin, General Manager
Lakeside Scrap Metals Inc.
8202 Broadway Avenue
Cleveland, Ohio 44105

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Dennis Bush, Supervisor
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 20 day of June, 2008.



Tracy Jamison
Office Automation Clerk
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9365.